

REMARKS

Claims 6-12 are pending in the application. Claims 6, 7 and 9-12 were rejected under 35 U.S.C. § 102(b) based on U.S. Patent No. 2,907,859 to Walkoe. Claim 8 was rejected under 35 U.S.C. § 103(a) based on Walkoe and U.S. Publication No. 2003/0010221 to Berger et al. ("Berger").

Reconsideration of the application in view of the following remarks is respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 6, 7 and 9-12 were rejected under 35 U.S.C. § 102(b) based on U.S. Patent No. 2,907,859 to Walkoe.

Independent claim 6 of the present application recites "automatically returning the door from the open position to the closed position when a physical quantity falls below a predetermined threshold value stored in a memory of the cooking appliance control system."

Similarly, independent claim 7 of the present application recites a cooking appliance control system having a memory, "the cooking appliance control system configured . . . to actuate the positioning motor so as to automatically return the door to the closed position when a physical quantity falls below a predetermined threshold value stored in the memory."

It is respectfully submitted that Walkoe does not teach or suggest that the door is returned to a closed position when a physical quantity falls below a predetermined threshold value, as recited in claims 6 and 7. In contrast, Walkoe teaches that the door remains open, even after the heating element 66 has cooled, and that the door is subsequently closed by the cook. See Walkoe, column 7, lines 36-39 and column 8, lines 38-40. The Office Action alleges that "since the bimetal strip responds to temperature it will open the circuit when the temperature falls below to [sic] desired temperature thus automatically returning the ram to its retracted position as shown in Fig 2 and closing the door." See Detailed Action, page 2, lines 13-16. The Office Action cites Walkoe, column 7, lines 20-40 for support of this assertion. However, it is respectfully submitted that this section of Walkoe specifically states that because "the center section flange 54 will be arrested by

the limit switch operating arm 70, the push rod center and top sections 53 and 57 and the bell crank 58 will be held in the positions shown in Fig. 3.” See Walkoe, column 7, lines 30-34. Thus, even though the ram is returned to its original position, the center and top sections 53, 57 of the push rod and the bell crank 58 remain in the positions corresponding to the open door, i.e. the positions shown in Fig. 3, as described in Walkoe. Accordingly, the door will also remain in the open position shown in Fig. 3. Nowhere in the cited section, or throughout the entirety of Walkoe, is it disclosed or suggested that the door is automatically returned to the closed position.

The Office Action further alleges that “the door is not only capable of closing automatically, it is described in the prior art.” See Detailed Action, page 3, lines 6-7. The Office Action cites Walkoe, column 7, line 45 to column 8, line 30 for support of this statement. However, nowhere in this section, or throughout the entirety of Walkoe, is automatic closure of the door disclosed or suggested. Walkoe states that the ram is returned to its original position, but that “suitable means are provided to hold the door in the partially open position until its release by the cook.” See Walkoe, column 2, lines 16-18. Specifically Walkoe describes that the door is held open by a projection 38 and spring mounted cam follower 40 once it has been opened, regardless of the state of the heating element 66 of the ram actuator unit 42. See Walkoe, column 4, lines 57-65 and column 7, lines 3-4, and Fig. 3. Thus, the door is not automatically closed.

Because Walkoe fails to disclose at least the above recited features of independent claims 6 and 7, it cannot anticipate claims 6 or 7 or dependent claims 8-12.

Reconsideration and withdrawal of the rejection of claims 6, 7 and 9-12 under 35 U.S.C. § 102(b) in view of Walkoe is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claim 8 was rejected under 35 U.S.C. § 103(a) based on Walkoe and U.S. Publication No. 2003/0010221 to Berger et al. (“Berger”).

Berger describes a steam cooking apparatus.

Claim 8 depends from claim 7. It is respectfully submitted that Berger does not cure the deficiencies of Walkoe with respect to claim 7, as set forth above. Thus, a combination of Walkoe and Berger would not render claim 8 obvious. Berger does not teach or suggest a “cooking

appliance control system configured . . . to actuate the positioning motor so as to automatically return the door to the closed position when a physical quantity falls below a predetermined threshold value stored in the memory,” as recited in claim 7. In contrast, Berger merely describes a steam cooking apparatus. Berger does not teach or suggest that the door of the steam cooking apparatus or any elements in connection with the door includes any of the recited features. Accordingly, any combination of Walkoe and Berger, to the extent proper, could not render claim 7 obvious. Claim 8 is patentable over any combination of Walkoe and Berger for at least the same reasons as claim 7 is.

Reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. § 103(a) based on Walkoe in view of Berger is respectfully requested.

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CONCLUSION

In view of the above remarks, applicants believe the pending application is in condition for allowance.

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, including any additional filing or application processing fees required under 37 C.F.R. §1.16 or 1.17, or to credit any overpayment, to Deposit Account No. 04-0100.

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Respectfully submitted,

By 

Erik R. Swanson

Registration No.: 40,833
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicants